

**28838. Adulteration of oranges. U. S. v. 172 Bushels of Oranges. Default decree of condemnation and destruction. (F. & D. No. 41913. Sample No. 10028-D.)**

This product was decomposed and had been damaged by drying.

On or about February 24, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 172 bushels of oranges at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about February 22, 1938, from Leesburg, Fla., by H. E. Jones, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that citrus fruit damaged by drying had been substituted in whole or in part for edible citrus fruit; in that a valuable constituent, juice, had been in whole or in part abstracted; and in that the article consisted in whole or in part of a decomposed vegetable substance.

On March 19, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**28839. Misbranding of tomatoes with puree from trimmings. U. S. v. 700 Cases and 300 Cartons of Tomatoes with Puree from Trimmings. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 41896, 41898. Sample Nos. 303-D, 327-D.)**

This product fell below the standard established by this Department, because it did not consist of whole or large pieces of tomatoes, and it was not labeled to indicate it was substandard. The labeling of one lot also bore a false and misleading statement of the quantity of contents.

On March 3 and 5, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,000 cases of tomatoes with puree from trimmings at New York, N. Y., alleging that the article had been shipped in interstate commerce by the McKeon Canning Co., Inc., on or about January 28 and 30, 1938, from Burbank, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Red Head Brand \* \* \* Tomatoes with Puree from Trimmings \* \* \* Packed By McKeon Canning Co., Inc., Burbank, Calif.;" or "Helwick's Brand Tomatoes with Puree from Trimmings \* \* \* Packed for Helwick Bros. Yonkers, N. Y."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it did not consist of whole or large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard. One lot was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On March 29, 1938, McKeon Canning Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**28840. Misbranding of canned tuna flakes. U. S. v. 50 Cartons of Canned Tuna Flakes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 41756. Sample No. 348-D.)**

A portion of this product was short weight.

On February 24, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cartons of canned tuna flakes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 2, 1938, from San Diego, Calif., by Point Loma Tuna Packers, Inc., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ascot Light Meat Tuna Flakes \* \* \* Packed by Point Loma Tuna Packers, Inc., Point Loma, San Diego, Calif."

It was alleged to be misbranded in that the statement "Net Weight 13 Oz.," borne on a portion of the labels, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight;